

## **REMARKS**

Reconsideration of this application, and allowance of the claims, is respectfully requested.

Support for the amendments made to claims 1, 8, 15, and 24 is found in the specification at page 6, lines 4-8. Thus, there is claimed herein a debit card, as in claim 1 for example, which: (1) acts as a debit card, carrying a variable cash balance in the conventional manner of a debit card; (2) which debit card also has biometric data storage capacity, and (3) also comprises a repository of personal preference data for the user.

The examiner has rejected claims 1, 6, 8 and 11-13 as unpatentable over Schneier U.S. Patent No. 6,099,408 in view of Sehr U.S. Publication No. 2001/0018660.

As previously discussed, Schneier et al. relates to a method and apparatus for securing electronic games. However, Schneier et al. fails to disclose the concept of a biometric data storage device which comprises a debit card, and it fails to disclose a repository on a card for personal preference data. This data can be downloaded to a gaming terminal or the like, to provide, along with the other benefits previously described, a spontaneous response by the system to recorded preferences of the player, without the player's specific request for such preferences: such as types of games, offers of particular drinks, entertainment or the like, preferred food, smoking/non-smoking preferences, preferred machine denominations, and the like.

Thus, Schneier et al. fails to disclose the concept of claim 1, specifically a biometric data storage device which comprises a debit card. Instead, as taught in Schneier et al., column 4, lines 47-60, data is stored in data storage device 250, which is manifestly not a debit card, whether or not biometric information is stored in it.

The Sehr publication teaches a ticketing system, as described in its Abstract, where portable ticketing cards may be smart credit or debit cards, and which may carry biometric identification of the card holders. However, the electronic ticketing system is basically a system providing access to an athletic event, an entertainment event, or the like. This is a very different function from the gaming apparatus of this invention, which relates to gaming and the provision of a portable debit card for use in such gaming, which card carries biometric information and personal preference data.

It is submitted that those skilled in the art, having Sehr and Schneier et al. before them, would not be lead to the concept of using a debit card of the type that is primarily and admission center entry card, since this is remote from the field of activation and use of a gaming machine.

Furthermore, as previously discussed, claims 27 and 28 call for the debit card to be credited with the player's winnings from play of the gaming apparatus. It is not seen that there is any analog to this function of claims 27 and 28 in either Sehr or Schneier et al. Money is not refunded back to a card at an athletic event.

Accordingly, it is submitted that claim 1 and the other claims of the rejection are patentable. The dependent claims of course share in the limitations of the parent claims.

The examiner has rejected claims 27-28 as unpatentable over Schneier et al. in view of Sehr, as cited above, further in view of Franchi U.S. Patent No. 5,770,533. Claims 27 and 28 call for an apparatus and method respectively in which the player's winnings from play are credited to the current account balance in the debit card.

Franchi discloses a debit card for use in a casino operating system. However, Franchi fails to disclose a debit card which stores biometric data, and which also stores personal preference data of the player, in a manner as described above and in the specification.

Accordingly, it is submitted that the combination of the three references raised by the examiner fails to disclose the invention as defined in claims 27 and 28, which are each dependent claims, and which share in the patentable distinctions of the parent claims.

The examiner has also rejected claims 2-3, 5, 9-10, 15-17, 19, 24-26 and 30 as unpatentable over Schneier et al. in view of Sehr, as previously discussed, further in view of Thompson U.S. Patent No. 5,865,470.

As previously discussed in the last amendment, all that Thompson Patent No. 5,865,470 adds to the rejection is the disclosure at column 4, lines 45-49, giving the thickness of conventional plastic credit cards. This is submitted to fail to add to the rejection the critical, missing element that Sehr, using a smart credit or debit card, does not use the card with gaming apparatus, but rather relates to admission to an Event. Because of this, it is submitted that the combination raised by the examiner would not be naturally made by those skilled in the art, but relates instead to the hindsight provided by this present application. All of the rejected claims except for claim 24 are dependent upon claims that are believed to be patentable, and thus they share in their patentable distinctions.

Claim 24 calls for a gaming method which utilizes (1) a debit card which (2) also carries portable biometric data, and (3) also carries personal preference data.

As described above, this is not found in the prior art, and it is submitted that the combination of prior art would not be made by those skilled in the art, apart from the disclosure provided by this present application.

The examiner has rejected claim 29 as obvious over the combination of Schneier et al. in view of Sehr, further in view of Thompson, and still further in view of Franchi. Claim 29 is dependent upon claim 15, and is believed to distinguish from the combined prior art for the reasons discussed above.

Turning to the rejection of claims 21-23 under 35 U.S.C. §112, and the examiner's arguments beginning on page 14 of the last Office Action, it is submitted that those skilled in the art would understand that an authenticator is present in the disclosure, as indicated by the discussions of the previous amendment and the examiner's responses. Further, it is manifest and obvious that such an authenticator must be "created", a property common to every manufactured item.


Continuing with respect to the examiner's claim that the phrase from claim 23: "a player request for an electronic transfer" is not supported, the very essence of a debit card is electronic transfer at the request of the user. Thus the phrase is clearly supported.

With respect to the bridging paragraph of pages 15 and 16 of the Office Action, it is not understood how the examiner cannot interpret "storing biometric data on a portable storage device which comprises a debit card" to specifically mean that the debit card is a portable biometric storage device on which actual biometric data is stored.... It is believed by applicant's attorney that the phrase in question unavoidably means exactly what the examiner denies that it means.

In view of the above, allowance of the claims is respectfully requested.

Respectfully submitted,


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